

## **Discrimination, Harassment & Workplace Bullying Policy**

### **1. Scope**

Discrimination and Harassment Policy outlines the system used for ensuring that the training and assessment environment and the college is free from discrimination and harassment. This includes but not limited to age, disability, race including national origin, ethnic origin, religion, marital status, sex, pregnancy, marital or relationship status, family responsibilities or best feeding, sexual orientation, gender identity or intersex status, political belief, parental status, language barriers, social economic status and physical characteristics.

A Grade Education and Training is committed to educating all employees' trainers & assessors, administrators, management and students, including any third parties and students about discrimination, harassment and bullying. A Grade Education and Training will not tolerate discrimination, harassment and bullying under any circumstances.

### **2. Purpose**

This Discrimination and Harassment policy sets out the details the responsibilities of A Grade Education and Training and the students. A Grade Education and Training expects its staff, students and management to work with in a healthy and safe work environment. An environment which is free from discrimination and harassment and where all employees' trainers & assessors, administrators, management and students, including any third parties who are involved in supervision associated with A Grade Education and Training are treated with dignity, courtesy and respect.

### **3. Guidelines**

This policy provides a framework for promoting a zero tolerance to workplace discrimination, harassment and bullying. A Grade Education and Training recognises that all staff have their capabilities, characteristics and experiences to work and study in a respectful and safe environment.

A Grade Education and Training is responsible for:

- Ensuring that A Grade Education and Training staff are educated and have leadership role and responsibility towards that no breach will occur;
- Provide an effective procedure for complaints based on the principles of natural justice;
- Treat all complaints in a sensitive, fair, timely and confidential manner;

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- Guarantee protection from any victimisation or reprisals;
- Promote a productive and cohesive workplace;
- Encourage the reporting of behaviour which breaches this Discrimination and Harassment Policy; and
- Promote appropriate standards of conduct at all times.

### In the context of the policy

**Unlawful discrimination** means when someone, or a group of people, are treated less favorably than another person or group because of their race, color, national or ethnic origin; sex, pregnancy or marital status; age; disability; religion; sexual preference; trade union activity; or some other characteristic specified under anti-discrimination or human rights legislation.

**Harassment** means when someone is made to feel intimidated, insulted or humiliated because of their race, color, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation. It can also happen if someone is working in a 'hostile' or intimidating environment.

**Sexual harassment** means unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated. Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual.

- Sexual harassment is a type of sex discrimination;
- Telling insulting jokes about particular racial groups;
- Sending explicit or sexually suggestive emails;
- Displaying offensive or pornographic posters or screen savers;
- Making derogatory comments or taunts about someone's race or religion; or
- Asking intrusive questions about someone's personal life, including their sex life.

**Discrimination** happens when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. This is known as 'direct discrimination' *Example: When a person is treated as less favourably than another person in the same or similar situation.* It is also discrimination when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share. This is known as 'indirect discrimination'.

**Victimisation** means subjecting or threatening to subject a person to some form of detriment because they have lodged, or is proposing to lodge, a complaint of discrimination or harassment, provided information or documents to an internal investigation or an external agency, attended a

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conciliation conference, reasonably asserted their rights, or supported someone else's rights, under federal anti-discrimination laws, made an allegation that a person has acted unlawfully under federal anti-discrimination laws.

**Vilification means** a behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of a person or group of people because of their race or religion, sexuality or gender, disability, transgender status, HIV/AIDS.

**Bullying** means the repeated less favorable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice. It includes behaviour that intimidates, offends, degrades or humiliates a worker.

### Policy principles

- A Grade Education and Training will not tolerate bullying of any individual or group, be a staff member, consultant or student;
- A Grade Education and Training expects all the employees to treat everyone with values of honesty, respect, fairness, trust and accountability and abide by the Federal and State legislation and standards of behaviour;
- A Grade Education and Training commits to the confidentiality of complaints received according to the Principles of fairness and natural justice and upholds the rights to make a complaint as set out in *Complaint Appeal Policy and Procedure*;
- Any violation of this policy is found to have occurred, disciplinary action will be taken against anyone who breaches this policy;
- Any suspected criminal behaviour will be reported to police authorities immediately.

### A Grade Education and Training responsibilities

A Grade Education and Training Management will ensure that:

- Behaviour reflects relevant A Grade Education and Training policies and A Grade Education and Training mission;
- Be responsible for maintaining a workplace that is free from discrimination and harassment;
- Sets expectations of supervisors, trainers and assessors to demonstrate appropriate conduct and to monitor the conduct of employees and students within the operations of A Grade Education and Training;
- Ensure the *Discrimination and Harassment Policy* and associated procedures are introduced to all new employees during their induction period;

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- Ensure the *Discrimination and Harassment Policy* and associated procedures are made available to all employees and students and is actively communicated within A Grade Education and Training;
- Ensure training and assessment services are developed and delivered to students to encourage their participation in an inclusive environment that is free from discrimination and harassment;
- Encourage and provide avenues for employees and students who feel they have been harassed or discriminated against to come forward and report their experience in a non-judgemental and confidential environment and assist them to raise concerns through the appropriate complaints process;
- Set the example of appropriate behaviour and conduct for other A Grade Education and Training employees and monitor the conduct of employees and students within the operations of A Grade Education and Training;
- Respond immediately to claims of inappropriate behaviour and review own behaviour to identify opportunities for improvement;
- Seek out and become familiar with the *Discrimination, Harassment and Workplace bullying Policy* and associated procedures during their induction period;
- Remain informed of changes to the *Discrimination, Harassment and Workplace bullying Policy* and associated procedures that may occur from time to time;
- Provide support to individuals that may confide in them about occurrences of discrimination or harassment in a non-judgemental and confidential manner;
- Respect individual differences and encourage others to maintain an inclusive environment that is productive and supports learning;
- Ensure that selection criteria for supervisor, trainer and assessor positions includes the requirement that they have a demonstrated understanding of and ability to deal with discrimination and harassment issues as part of their overall responsibility;
- Include accountability mechanisms in position descriptions for supervisors, trainers and assessors; and
- Periodically review the policy to ensure it is operating effectively and contains up to date information;
- Participate in training and awareness sessions that educates employees about anti-discrimination and harassment measures.

**Non-compliance with the provisions of this policy is serious, based on the seriousness and implication of the breach, an action may be taken like:**

- Counselling;
- Warning;
- Student disciplinary action.

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**For further information please refer to the following:**

**Australian Human Rights Commission** [www.hreoc.gov.au](http://www.hreoc.gov.au)

Provides information and types of discrimination and harassment. The Human rights commission also investigates and resolve the complaints of discrimination and harassment. age, disability, race including national origin, ethnic origin, religion, marital status, sex, pregnancy, marital or relationship status, family responsibilities or best feeding, sexual orientation, gender identity or intersex status, political belief, parental status, language barriers, social economic status and physical characteristics. Complaints to be lodged within 12 months of the incident.

Human Rights and Equal Opportunity Commission

- General enquiries: (02) 9284 9600
- Complaints Info line: 1300 656 419
- General enquiries and publications: 1300 369 711
- Website: [www.humanrights.gov.au](http://www.humanrights.gov.au)

**Fair Work Australia Ombudsman** <https://www.fairwork.gov.au/>

The Fair Work Ombudsman is an independent statutory office educating about workplace rights and responsibilities. Their role is to investigate workplace complaints and ensure that workplaces follow Australia's workplace laws.

### **Anti-Discrimination Board New South Wales**

Provides information of the types of discrimination and harassment. The Anti-discrimination board is part of the NSW Department of Police and Justice. The board administers the anti-discrimination laws and investigates the complaints regarding sex discrimination, Racial discrimination, Age discrimination, marital or domestic status discrimination, homosexual discrimination, disability discrimination, transgender discrimination, carer's responsibilities discrimination, discrimination because who have related to or who you associate with, harassment, sexual harassment, direct and indirect discrimination, vilification and victimisation.

- Telephone: (02) 9268 5555
- Toll free: 1800 670 812 (within NSW only)
- Website: <http://www.antidiscrimination.justice.nsw.gov.au/>

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### **Other state relevant bodies:**

#### Australian Capital Territory Human Rights Office

- Telephone: (02) 6207 0576
- Website: <http://www.hrc.act.gov.au/>

#### Northern Territory Anti-Discrimination Commission

- Telephone: (08) 8999 1444
- Toll free: 1800 813 846
- Website: [www.nt.gov.au/ad/](http://www.nt.gov.au/ad/)

#### Queensland Anti-Discrimination Commission

- Telephone: (07) 3247 0900
- Toll free: 1300 130 670
- Website: [www.adcq.qld.gov.au](http://www.adcq.qld.gov.au)
- Email: [adcq@justice.qld.gov.au](mailto:adcq@justice.qld.gov.au)

#### South Australia Equal Opportunity Commission

- Telephone: (08) 8207 1977
- Toll free: 1800 188 163
- Website: [www.eoc.sa.gov.au](http://www.eoc.sa.gov.au)
- Email: [eoc@agd.sa.gov.au](mailto:eoc@agd.sa.gov.au)

#### Tasmania Anti-Discrimination Commission

- Telephone: (03) 6233 4841
- Website: [www.antidiscrimination.tas.gov.au](http://www.antidiscrimination.tas.gov.au)
- Email: [AntiDiscrimination@justice.tas.gov.au](mailto:AntiDiscrimination@justice.tas.gov.au)

#### Victoria Equal Opportunity Commission

- Telephone: (03) 9281 7111
- Toll free: 1800 134 142
- Website: <http://www.humanrightscommission.vic.gov.au/>

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- Email: [eoc@vicnet.net.au](mailto:eoc@vicnet.net.au)

### Western Australia Equal Opportunity Commission

- Telephone: (08) 9216 3900
- Toll free: 1800 198 149
- Website: [www.equalopportunity.wa.gov.au](http://www.equalopportunity.wa.gov.au)
- Email: [eoc@equalopportunity.wa.gov.au](mailto:eoc@equalopportunity.wa.gov.au)

### Legislation:

- Human Rights & Equal opportunity Commission Act 1986
- Age discrimination Act 1975
- Racial discrimination Act 1975
- Sex discrimination Act 1984
- Disability Discrimination Act 1992
- Workplace health & safety Act 2011
- Anti-Discrimination Act 2017
- Fair Work Act 2009